

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---



UNITED STATES OF AMERICA,

**DECISION AND ORDER**

v.

1:18-CR-00123 EAW

ROBERT L. WILLIAMS, JR.,

Defendant.

---

Defendant Robert L. Williams, Jr. (“Defendant”) is charged in an Indictment returned on June 14, 2018, with felon in possession of firearms and ammunition in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). (Dkt. 4).<sup>1</sup> This Court referred all pretrial matters in the case to United States Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(A)-(B). (Dkt. 5).

On January 23, 2020, Magistrate Judge Schroeder issued a Report, Recommendation and Order (“Report and Recommendation”) recommending denial of Defendant’s motion to suppress evidence seized on May 16, 2018, from 116 Reed Street, Buffalo, New York, pursuant to a search warrant issued by Judge Schroeder, and “out of

---


<sup>1</sup> A Superseding Indictment was filed on February 5, 2020, charging Defendant with conspiracy to commit firearms offenses in violation of 18 U.S.C. § 371 (count 1), unlawfully dealing in firearms in violation of 18 U.S.C. §§ 922(a)(1)(A), 923(a), and 924(a)(1)(D) (count 2), conspiracy to possess with intent to distribute heroin in violation of 21 U.S.C. § 846 (count 3), possession of firearms in furtherance of drug trafficking in violation of 18 U.S.C. § 924(c)(1)(A)(i) (counts 4 and 6), possession with intent to distribute heroin in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C) (count 5), and felon in possession of firearms and ammunition in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2) (counts 7 and 8). (Dkt. 43).

court and in court identification as a result of unduly suggestive photo ‘showups.’” (Dkt. 22 at 1).<sup>2</sup> Pursuant to Fed. R. Crim. P. 59(b)(2) and 28 U.S.C. § 636(b)(1)(C), the parties had 14 days after being served a copy of the Report and Recommendation to file objections. No objections were filed.

The Court is not required to review *de novo* those portions of a report and recommendation to which objections were not filed. Fed. R. Crim. P. 59(b)(2) (“Failure to object in accordance with this rule waives a party’s right to review.”); *see Molefe v. KLM Royal Dutch Airlines*, 602 F. Supp. 2d 485, 487 (S.D.N.Y. 2009) (to trigger the *de novo* review standard, objections to a report “must be specific and clearly aimed at particular findings in the magistrate judge’s proposal”).

Notwithstanding the lack of objections, the Court has conducted a careful review of the Report and Recommendation as well as the filings previously made in the case, and finds no reason to reject or modify the Report and Recommendation of Magistrate Judge Schroeder. Therefore, the Court accepts and adopts the Report and Recommendation. (Dkt. 42). For the reasons set forth in the Report and Recommendation, this Court denies Defendant’s motion to suppress (Dkt. 22).

SO ORDERED.



ELIZABETH A. WOLFORD  
United States District Judge

Dated: February 11, 2020  
Rochester, New York

---

<sup>2</sup> As noted by Judge Schroeder, Defendant also had sought to suppress statements, but he subsequently withdrew that request. (Dkt. 42 at 1 n.1).